

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

MICHAEL HAYDU)	CASE NO.: 4:23-cv-01895
)	
Plaintiff,)	JUDGE: Benita Y. Pearson
)	
vs.)	
)	
REVIVAL FINANCIAL SOLUTIONS,)	
LLC, <i>et al.</i>)	
)	
Defendants.)	

ANSWER OF DEFENDANTS

For their answer to the Complaint (the “Complaint”) of Plaintiff Michael Haydu (“Plaintiff”), Defendants Revival Financial Solutions, LLC (“Revival”), Alleviate Financial Solutions, LLC (“Alleviate”) and Guardian Litigation Group, PLLC (“Guardian”) (collectively, “Defendants”) admit, deny, and state as follows:

1. The allegations set forth in Paragraph 1 of the Complaint are not directed against the

Defendants, so no response is necessary. To the extent a response is deemed necessary, then Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 1 of the Complaint, and therefore deny the same.

2. The allegations set forth in Paragraph 2 of the Complaint are not directed against the

Defendants, so no response is necessary. To the extent a response is deemed necessary, then Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 2 of the Complaint, and therefore deny the same.

3. The allegations set forth in Paragraph 3 of the Complaint are not directed against the Defendants, so no response is necessary. To the extent a response is deemed necessary, then Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 3 of the Complaint, and therefore deny the same.

4. Answering Paragraph 4 of the Complaint, Defendants admit only that they engage in business with Ohio consumers and deny the remaining allegations contained therein.

5. Defendants deny the allegations contained in Paragraph 5 of the Complaint

6. Defendants deny the allegations contained in Paragraph 6 of the Complaint.

7. Defendants deny the allegations contained in Paragraph 7 of the Complaint.

8. Defendants deny the allegations contained in Paragraph 8 of the Complaint.

9. The allegations set forth in Paragraph 9 of the Complaint are not directed against the Defendants, so no response is necessary. To the extent a response is deemed necessary, then Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 9 of the Complaint, and therefore deny the same.

10. The allegations set forth in Paragraph 10 of the Complaint are not directed against the Defendants, so no response is necessary.

11. Defendants admit to the allegations contained in Paragraph 11 of the Complaint.

12. The allegations set forth in Paragraph 12 of the Complaint are not directed against the Defendants, so no response is necessary.

13. Defendants deny the allegations contained in Paragraph 13 of the Complaint.

14. Defendants deny the allegations contained in Paragraph 14 of the Complaint.

15. Defendants deny the allegations contained in Paragraph 15 of the Complaint.

16. Defendants deny the allegations contained in Paragraph 16 of the Complaint.

17. Defendants deny the allegations contained in Paragraph 17 of the Complaint.
18. Defendants deny the allegations contained in Paragraph 18 of the Complaint.
19. Defendants deny the allegations contained in Paragraph 19 of the Complaint.
20. Defendants deny the allegations contained in Paragraph 20 of the Complaint.
21. Defendants deny the allegations contained in Paragraph 21 of the Complaint.
22. The allegations set forth in Paragraph 22 of the Complaint are not directed against the Defendants, so no response is necessary. To the extent a response is deemed necessary, then Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 22 of the Complaint, and therefore deny the same.
23. Answering Paragraph 23 of the Complaint, Defendants state that Exhibit A speaks for itself, and that Paragraph 23 does not require a response. Defendants deny the remaining allegations contained in Paragraph 23 of the Complaint.
24. The allegations set forth in Paragraph 24 of the Complaint are not directed against the Defendants, so no response is necessary. To the extent a response is deemed necessary, then Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 24 of the Complaint, and therefore deny the same.
25. Answering Paragraph 25 of the Complaint, Defendants deny the allegations contained therein for lack of knowledge or information sufficient to form a belief as to the truth of the allegations.
26. Defendants deny the allegations contained in Paragraph 26 of the Complaint.
27. Defendants deny the allegations contained in Paragraph 27 of the Complaint.
28. Defendants deny the allegations contained in Paragraph 28 of the Complaint.
29. Defendants deny the allegations contained in Paragraph 29 of the Complaint.

30. Defendants deny the allegations contained in Paragraph 30 of the Complaint.

31. Defendants deny the allegations contained in Paragraph 31 of the Complaint.

32. Answering Paragraph 32 of the Complaint, Defendants state that the FCRA speaks for itself, and that Paragraph 32 does not require a response. Defendants deny the remaining allegations contained in Paragraph 32 of the Complaint.

33. Defendants deny the allegations contained in Paragraph 33 of the Complaint.

34. The allegations set forth in Paragraph 34 of the Complaint are not directed against the Defendants, so no response is necessary. To the extent a response is deemed necessary, then Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 34 of the Complaint, and therefore deny the same.

35. Defendants deny the allegations contained in Paragraph 35 of the Complaint.

36. Defendants deny the allegations contained in Paragraph 36 of the Complaint.

37. Defendants deny the allegations contained in Paragraph 37 of the Complaint.

38. Answering Paragraph 38 of the Complaint, Defendants state that the FCRA speaks for itself, and that Paragraph 38 does not require a response.

39. Answering Paragraph 39 of the Complaint, Defendants deny the allegations contained therein for lack of knowledge or information sufficient to form a belief as to the truth of the allegations.

40. Defendants deny the allegations contained in Paragraph 40 of the Complaint.

COUNT ONE (1):

41. Defendants hereby incorporate paragraphs one (1) through forty (40) as if fully rewritten herein.

42. Defendants deny the allegations contained in Paragraph 42 of the Complaint.

43. Defendants deny the allegations contained in Paragraph 43 of the Complaint.

44. Defendants deny the allegations contained in Paragraph 44 of the Complaint.

45. Defendants deny the allegations contained in Paragraph 45 of the Complaint.

46. Defendants deny the allegations contained in Paragraph 46 of the Complaint.

47. Defendants deny the allegations contained in Paragraph 46 of the Complaint.

48. Answering Paragraph 48 of the Complaint, Defendants state that the FCRA speaks for itself, and that Paragraph 48 does not require a response. Defendants deny the remaining allegations contained in Paragraph 48 of the Complaint.

49. Answering Paragraph 49 of the Complaint, Defendants state that the FCRA speaks for itself, and that Paragraph 49 does not require a response.

50. Defendants deny the allegations contained in Paragraph 50 of the Complaint.

COUNT TWO (2):

51. Defendants hereby incorporate paragraphs one (1) through fifty (50) as if fully rewritten herein.

52. Defendants deny the allegations contained in Paragraph 52 of the Complaint.

53. Defendants deny the allegations contained in Paragraph 53 of the Complaint.

54. Defendants deny the allegations contained in Paragraph 54 of the Complaint.

55. Defendants deny the allegations contained in Paragraph 55 of the Complaint.

COUNT THREE (3):

56. Defendants hereby incorporate paragraphs one (1) through fifty-five (55) as if fully rewritten herein.

57. Defendants deny the allegations contained in Paragraph 57 of the Complaint.

58. Defendants deny the allegations contained in Paragraph 58 of the Complaint.

59. Answering Paragraph 59 of the Complaint, Defendants state that 15 U.S.C. § 1681 speaks for itself, and that Paragraph 59 does not require a response.

60. Defendants deny the allegations contained in Paragraph 60 of the Complaint.

61. Defendants deny the allegations contained in Paragraph 61 of the Complaint.

COUNT FOUR (4):

62. Defendants hereby incorporate paragraphs one (1) through sixty-one (61) as if fully rewritten herein.

63. Defendants deny the allegations contained in Paragraph 63 of the Complaint.

64. Defendants deny the allegations contained in Paragraph 64 of the Complaint.

65. Defendants deny the allegations contained in Paragraph 65 of the Complaint.

66. Defendants deny the allegations contained in Paragraph 66 of the Complaint.

67. Defendants admit to the allegations contained in Paragraph 67 of the Complaint.

68. Defendants deny the allegations contained in Paragraph 68 of the Complaint.

69. Defendants deny the allegations contained in Paragraph 69 of the Complaint.

COUNT FIVE (5):

70. Defendants hereby incorporate paragraphs one (1) through sixty-nine (69) as if fully rewritten herein.

71. Defendants deny the allegations contained in Paragraph 71 of the Complaint.

72. Defendants deny the allegations contained in Paragraph 72 of the Complaint.

73. Defendants deny the allegations contained in Paragraph 73 of the Complaint.

74. Defendants deny the allegations contained in Paragraph 74 of the Complaint.

75. Defendants deny the allegations contained in Paragraph 75 of the Complaint.

76. Defendants deny the allegations contained in Paragraph 76 of the Complaint.

COUNT SIX (6):

77. Defendants hereby incorporate paragraphs one (1) through seventy-seven (77) as if fully rewritten herein.
78. Defendants deny the allegations contained in Paragraph 78 of the Complaint.
79. Defendants deny the allegations contained in Paragraph 79 of the Complaint.
80. Defendants deny the allegations contained in Paragraph 80 of the Complaint.

COUNT SEVEN (7):

81. Defendants deny the allegations contained in Paragraph 81 of the Complaint.
82. Defendants deny the allegations contained in Paragraph 82 of the Complaint.
83. Defendants deny the allegations contained in Paragraph 83 of the Complaint.
84. Answering Paragraph 84 of the Complaint, Defendants deny the allegations contained therein for lack of knowledge or information sufficient to form a belief as to the truth of the allegations.
85. Defendants deny the allegations contained in Paragraph 85 of the Complaint.
86. Defendants deny the allegations contained in Paragraph 86 of the Complaint.
87. Defendants deny the allegations contained in Paragraph 87 of the Complaint.
88. Defendants hereby deny each and every allegation in the Complaint not specifically admitted to herein.

AFFIRMATIVE DEFENSES

89. Plaintiff's Complaint fails to state a claim upon which relief can be granted.
90. Plaintiff's claims are barred by the equitable doctrines of waiver, estoppel, and laches.

91. This Court lacks subject matter jurisdiction, as Plaintiff has failed to allege any concrete or particularized harm or injury-in-fact.

92. Plaintiff's claims fail under the equitable doctrine of "unclean hands."

93. Plaintiff has failed to mitigate its alleged damages.

94. At all times relevant herein, Defendants acted in good faith and without malice.

95. Defendants reserve all affirmative defenses set forth in Rule 8(c) of the Federal Rules of Civil Procedure, as well as all other affirmative defenses that may be found applicable as discovery progresses.

WHEREFORE, Defendants respectfully request that this Court dismiss all of Plaintiff's claims in their entirety, grant judgment in favor of Defendants, and order Plaintiff to pay all costs incurred by Defendants in defense of this matter, including reasonable attorney fees and all other relief to which this Court deems Defendants are entitled to at law or in equity.

Respectfully submitted,

LUPER NEIDENTHAL & LOGAN
A Legal Professional Association

/s/ Matthew T. Anderson

Matthew T. Anderson (0082730)

1160 Dublin Road, Suite 400

Columbus, OH 43215

Telephone: (614) 221-7663

Facsimile: (866) 345-4948

E-mail: manderson@LNLaorneys.com

Attorney for Defendants

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was served by electronic mail only on this 5th day of October 2023, on the following:

Jeremiah E. Heck, Esq.
David B. Shultz, Esq.
Luftman, Heck, & Associates, L.L.P.
jheck@lawLH.com
Attorneys for Plaintiff

Brian M. Garvine, Esq.
Law Offices of Brian M. Garvine, LLC
brian@garvinelaw.com
Attorney for Plaintiff

/s/ Matthew T. Anderson

Matthew T. Anderson (0082730)